

Cody Judy- U.S.Senate
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FILED
CLERK, U.S. DISTRICT COURT
2005 JAN 27 A 11:18
DISTRICT OF UTAH
BY: _____
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**State Of Utah, Federal District Court, Central Division
United States of America**

Cody Judy Official Write-in Candidate)
Contestant/ Petitioner

v.)

**NOTICE OF DEFAULT
(FAILURE TO REPLY)**

Bob Bennett- Republican Candidate)
Contestee
State Election Officials
Mica McKinney- Director et al.,
Respondent(s).)

Case No: 2:04 CV 1110
Judge: Dee Benson

Petitioner/Contestant hereby submits this **NOTICE OF DEFAULT (Failure to Reply)** and states:

1) On October 6th Bob Bennett was served a Petition and Summons to respond to the court and to file and answer with the petitioner at the address so stated in the complaint.

2) The address so stated in which to file an answer was clearly visible on the Summons, and the Petition and is the most basic of task required by any practicing attorney of law.

3) Upon review of the docket Bob Bennett's representing attorney was discovered by the Contestant/Petitioner Cody Judy through Attorney General Scott D. Cheney's "**Certificate of Service**" for the "**Memorandum in Support of State Election Defendants' Motion to Dismiss**" signed by Holly J. Gardner.

4) Posted on the Certificate of Service of the Motion to Dismiss by Bob Bennett's attorney



Jesse C. Trentadue was the mailing address of :

Cody Judy
2459 So Main Street Suite 6
Bountiful, UT 84010

5) The address to respond to clearly printed on the summons and the petition and used by the State Attorney Scott D. Cheney successfully in response is, the difference being near 5 miles:

Cody Judy
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6) It must be assumed given the clarity of the direction and order of summons that the attorney's representing Bob Bennett purposefully did not respond to the summons by order of the court and in so represent an agreement to the judgment of the summons order "failure to respond to the petition in 20 days will result in judgment against you".

7) The time well extended for response, Petitioner now request the court to enter the judgment by default against Bob Bennett for failure to respond. A proposed order has been filed assuring this Notice of Default.

Dated and Signed this 27 day of January, 2005.



CODY JUDY
Attorney Pro Se /Petitioner-Contestant